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Docket No.: 20257 US (C38435/110665)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

David Carl BURDICK, et al.

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Examiner: Sabiha Naim Qazi

Serial No.: 09/448,356

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Art Unit: 1616

Filed: November 23, 2003

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For: **PHYTOSTEROL AND/OR
PHYTOSTANOL DERIVATIVES**

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New York, New York
August 25, 2003

**NOTICE OF APPEAL FROM THE PRIMARY EXAMINER
TO THE BOARD OF PATENT APPEALS AND INTERFERENCES
AND PETITION FOR EXTENSION OF TIME**

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicants hereby appeal to the Board of Patent Appeals and Interferences from the April 23, 2003 decision of the Primary Examiner finally rejecting claims 1-6, 8, 24, and 25. The Office Action set a three-month shortened statutory period for response. A one-month extension of time to respond to the Office Action is hereby requested. Accordingly, this NOTICE OF APPEAL is timely filed with an executed certificate of mailing on or before August 25, 2003, because August 23, 2003 was a Saturday. 37 CFR §§ 1.7, 1.8, and 1.136.

Enclosed is a check in the amount of \$320.00 for the Appeal Fee and a check in the amount of \$110.00 to cover the fee for extension of time. If our checks are

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missing or otherwise insufficient, or if any additional fees not otherwise paid by check are required the Commissioner is authorized to charge (or credit any overpayment) to Deposit Account No. 02-4467. A duplicate copy of this sheet is enclosed.

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on August 25, 2003.



Stephen J. Brown

Respectfully submitted,

By:



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